

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

HELEN PEARL SHEWMAKE, )  
individually and as special administrator for )  
the Estate of ELIC DAVID SHEWMAKE, )  
deceased )  
 )  
 ) Case No. 13-cv-1223-SCW-PMF  
 )  
Plaintiff, )  
 )  
 )  
 )  
vs. )  
 )  
 )  
 )  
AERCO INTERNATIONAL et. al., )  
 )  
 )

## ORDER

**WILLIAMS, Magistrate Judge:**

Before the Court is Plaintiff's Motion for Voluntary Dismissal as to Defendant Advanced Composites Group (Doc. 853), Motion for Voluntary Dismissal as to Defendant Asbestos Corp. Ltd. (Doc. 854), Motion for Voluntary Dismissal as to Defendant Avocet Enterprises, Inc. (Doc. 855), Motion for Voluntary Dismissal as to Defendant Chicago Gasket Co. (Doc. 856), Motion for Voluntary Dismissal as to Defendant Cooper Indust. LLC, (Doc. 857), Motion for Voluntary Dismissal as to Defendant Cytec Industries, Inc. (Doc. 858), Motion for Voluntary Dismissal as to Defendant Duro Dyne Corp. (Doc. 859), Motion for Voluntary Dismissal as to Defendant Goodyear Canada, Inc. (Doc. 860), Motion for Voluntary Dismissal as to Defendant Harper Int'l Corp. (Doc. 861), Motion for Voluntary Dismissal as to Defendant J.H. France Refractories Co. (Doc. 862), Motion for Voluntary Dismissal as to Defendant Kelly Moore Paint Co. (Doc. 863), Motion for Voluntary Dismissal as to Defendant Nibco, Inc. (Doc. 864), Motion for Voluntary Dismissal as to Defendant Resco Holdings, LLC (Doc. 865), Motion for Voluntary Dismissal as to Defendant Rogers Corp. (Doc. 866), Motion for Voluntary Dismissal as to Defendant Sears Roebuck & Co. (Doc. 867), Motion for Voluntary Dismissal as to Defendant Sprinkmann Sons

Corp. (Doc. 868), Motion for Voluntary Dismissal as to Defendant Swindell-Dressler Int'l Co. (Doc. 869), Motion for Voluntary Dismissal as to Defendant the Coleman Co. Inc. (Doc. 871) and Motion for Voluntary Dismissal as to Defendant Treco Construction Services Inc. (Doc. 874).

The Federal Rules of Civil Procedure permit a plaintiff to voluntarily dismiss claims without a court order by filing a notice of dismissal before the opposing party has answered or filed a motion for summary judgment. **Fed. R. Civ. P. 41(a)(1)(A)**. With the exception of Rogers Corp., (Doc. 866), none of the above Defendants have filed an answer, or indicated that they filed an answer in state court. None of the above Defendants have filed an objection to the Plaintiff's Motions. Therefore, those Defendants shall be **DISMISSED without prejudice**. As to Rogers Corp., because they have answered (Doc. 678), the Court will construe Plaintiff's Motion as one pursuant to Fed. R. Civ. P. 41(a)(2), which permits a Court to dismiss a party at plaintiff's request "on terms the court considers proper." The Court considers dismissal proper here. Plaintiff filed her Motion on July 21, 2014. Rogers Corp. has filed no objection, and the Court finds that no prejudice would result. Rogers Corp. shall also be **DISMISSED without prejudice**.

For the foregoing reasons, Plaintiff's Motions for Dismissal (Docs. 853-869, 871, 874) are **GRANTED**. Defendants Advanced Composites Group, Asbestos Corp Ltd., Avocet Enterprises, Chicago Gasket Co., Cooper Indust., LLC, Cytec Indust. Inc., Duro Dyne Corp., Goodyear Canada Inc., Harper Int'l, J.H. France Refractories Co., Kelly More Paint Co., Nibco Inc., Resco Holdings LLC, Rogers Corp., Sears Roebuck & Co., Sprinkmann Sons Corp., Swindell Dressler Int'l Co., The Coleman Co., and Treco Construction Services are **DISMISSED without prejudice**. Pursuant to the Court's Order at Doc. 835, the remaining Defendants' crossclaims are deemed **DISMISSED without prejudice** as to the above named Defendants, unless the remaining Defendants should assert such crossclaims within five days of this order. The crossclaims of all dismissed Defendants are also **DISMISSED**.

**IT IS SO ORDERED.**  
**DATE: August 15, 2014**

**/s/ Stephen C. Williams**  
**STEPHEN C. WILLIAMS**  
United States Magistrate Judge